

## **CHAPTER 3**

### **ARTICLE 23 — EMPLOYEE SERVICES**

*Effective December 28, 1989*

*Updated June 14, 2011*

#### **33040.1 Policy**

The Secretary, subject to the approval of the Director of General Services, is authorized by GC 11013, to establish certain concessions for the benefit of the institutional employees under his/her jurisdiction.

#### **33040.2 Purpose**

This Article establishes procedures for the provision of services to employees by the institutions for the convenience of the State.

#### **33040.3 Services**

Services supplied to employees shall be established by the Warden and shall be equally available to all employees.

All services shall be rendered at the employee's own risk. The institution and the Department shall not assume liability for loss, damage, or destruction of employee's property.

All employee services shall be of no cost to the state and shall be available to employees as a fringe benefit.

No services shall be provided for non-employees which require their physical presence. Non-employees may use the employee dining room or snack bar when accompanied by an employee. This privilege is subject to gate clearance and may be revoked any time.

Wardens may request additional services by submitting a proposal and operational plan for the Director's approval.

#### **33040.4 Service Charges**

Service charges shall be established for each authorized service to employees as reimbursement for costs incurred by the state. Service charges may be on an actual or estimated basis.

When it is inappropriate to designate a special service charge, donations to the IWF shall be accepted.

Authorized employee services shall be operated on a nonprofit basis by institutional staff.

#### **33040.5 Supplemental Procedures**

Wardens and RPAs shall establish supplements to this procedure to govern the operation and use of employee services made available to employees in accordance with applicable laws and subject to the approval of the Secretary or his/her designee.

All supplements or modifications of procedures shall be forwarded to the Secretary or his/her designee for approval.

Specialized instructions contained in other forms or documents shall be referred to and approved by the Secretary or his/her designee.

Instructions shall include, but are not limited to, the following:

- Coupon purchase areas.
- Delivery areas.
- Hours of operation.

- Security procedures.
- Accounting procedures.
- Eligible individuals.
- Location of waiting lists.
- Limits of liability.
- Associate Warden, Business Services, responsibility.
- Instructions for the processing of donations to IWF.
- Methods for the collecting of the costs of materials and supplies utilized.

### **33040.6 Employee Association Operated Canteens and Concessions**

Canteens or concessions may be established at State facilities pursuant to GC 11013, W&I 4314, and PC 5005 and 5006. This Article shall not apply to canteens or concessions exempt from DGS approval nor to vending stands for the blind established by the Division of Rehabilitation of the Blind, Department of Rehabilitation.

Canteens or concessions which require the approval of the DGS shall, in addition, comply with the statutory provisions under which they are established. Whether operated by a private contractor, an employee nonprofit corporation, or by the institution, the following conditions shall be met:

- The State shall be reimbursed for the actual cost of equipment, space, utilities, maintenance, and administrative services furnished by the institution. Reasonable estimates may be used where it is not possible or feasible to determine such costs accurately.
- The institution shall have the power to determine the operation of, and regulate the prices and merchandise sold at, the canteen and concessions.
- All books and records of the canteens or concessions shall be subject to audit by the State at any time.
- Each canteen or concession shall furnish the institution with a list of items for sale and prices to be charged. All items and prices are subject to the approval of the Warden.
- The canteens or concessions shall comply with all applicable statutes, health laws, rules and regulations of the Department.
- The State, its officers, and employees shall be released from liability for personal injury to the canteen or concession lessee, lessee's employees and guests, arising out of the lessee's occupation of the demised premises.
- The location of the canteen or concession may be changed at the Warden's discretion.
- The prices charged by the canteen or concession shall not exceed those charged by similar businesses in the vicinity of the institution except where the volume of business makes this impractical.
- No repairs or alterations of the premises shall be made without written consent from the institution.
- The State (institution) or the lessee may terminate the agreement upon 90 days written notification. Willful violation of rules, regulations, or terms of the agreement by the lessee, shall be grounds for immediate cancellation of the agreement and removal of the lessee.
- The State shall not be liable for any debts or claims that arise from the operation of the canteen or concession.

**33040.7 Sale of State Products**

The direct sale or disposal to an employee of any article, materials, or supplies owned, produced, or manufactured by the Department is prohibited except where specifically authorized by law.

**33040.8 Gratuities**

No gift, tip, or reward shall be offered by an employee or accepted by an inmate for any reason.

**33040.9 Revisions**

The Director, DAI, or designee shall ensure that the content of this Article is current.

**33040.10 References**

GC § 11013.

PC §§ 5005 and 5006.

CCR §§ 3420-3425.

W&I § 4314.